

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

RUSSELL WARREN DUNLAP, JR.,	)	Case No.: 1:25-cv-0526 JLT SAB
	)	
Plaintiff,	)	ORDER ADOPTING IN FULL THE FINDINGS
	)	AND RECOMMENDATIONS, DISMISSING THE
v.	)	ACTION WITHOUT PREJUDICE FOR FAILURE
	)	TO PROSECUTE AND FAILURE TO OBEY THE
KERN COUNTY SHERIFF,	)	COURT’S ORDER, AND DIRECTING THE
	)	CLERK OF COURT TO CLOSE THIS CASE
Defendant.	)	
	)	(Doc. 7)

Russell Warren Dunlap Jr. initiated this action by filing a complaint on May 5, 2025. Because Plaintiff failed to pay the filing fee, the Court ordered him to pay the filing fee in full or to file a motion to proceed *in forma pauperis*. (Doc. 3.) After Plaintiff failed to respond, the Court ordered him to show why the action should not be dismissed for his failure to prosecute and failure to comply with the Court’s order. (Doc. 5.) Again, Plaintiff did not respond.

The magistrate judge found Plaintiff failed to prosecute this action and failed to comply with the Court’s orders. (Doc. 7 at 1, 2.) The magistrate judge found “dismissal of the action is warranted” after considering the factors identified by the Ninth Circuit for the imposition of terminating sanctions. (*Id.* at 2-3.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice. (*Id.* at 3.)

The Court served the Findings and Recommendations on Plaintiff and notified him that any objections were due within 14 days. (Doc. 7 at 3.) The Court advised him that the “failure to file

1 objections within the specified time may result in the waiver of the ‘right to challenge the magistrate's  
2 factual findings’ on appeal.” (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 838-39 (9th Cir.  
3 2014).) Plaintiff did not file objections, and the time to do so has passed.

4 According to 28 U.S.C. § 636(b)(1), this Court performed a *de novo* review of this case. Having  
5 carefully reviewed the matter, the Court concludes the Findings and Recommendations are supported  
6 by the record and proper analysis. Thus, the Court **ORDERS**:

- 7 1. The Findings and Recommendations dated August 5, 2025 (Doc. 7) are **ADOPTED** in  
8 full.
- 9 2. The action is **DISMISSED** without prejudice, for failure to prosecute and failure to  
10 comply with the Court’s orders.
- 11 3. The Clerk of Court is directed to close this case.

12  
13 IT IS SO ORDERED.

14 Dated: **August 25, 2025**

  
UNITED STATES DISTRICT JUDGE